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Attorney's Docket No.: 10830-074001 / A36-134162M/NHK



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Nobuaki EMA Art Unit : 2877
Serial No. : 09/933,691 Examiner : Gordon J. Stock, Jr.
Filed : August 21, 2001
Title : OPTICAL COMPONENT MEASUREMENT APPARATUS AND METHOD OF
TESTING OPTICAL COMPONENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION OF JANUARY 12, 2005

Claims 1 and 5 are pending. Those claims were rejected as anticipated by U.S. Patent No. 5,623,562 (Anderson et al.). As discussed below, applicant respectfully requests reconsideration.

For a prior art reference to anticipate a claim, a single reference must disclose each and every limitation of the claim. *Motorola, Inc. v. Interdigital Technology Corp.*, 121 F.2d 1461, 1373 (Fed. Cir. 1997). That is not the case here.

The claimed subject matter relates to testing an optical component measurement apparatus. Various actions are performed with respect to an optical component "under test." For example, claim 5 recites, in part:

* inputting the measurement optical signal to the optical component under test by way of a first optical fiber connected to an input terminal of the optical component under test;

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* transmitting an optical signal output from the measurement optical component by way of a second optical fiber connected to an output terminal of the optical component under test;

* measuring an optical output signal output from the optical component under test on the basis of the optical output signal transmitted by way of the second optical fiber; and

* adjusting relative positions between the first and second optical fibers and connections of the optical component under test such that the level of the measured optical output signal becomes maximum,

* wherein the optical component under test has a plurality of output terminals, measuring is performed by a measurement unit having a plurality of photodetectors which detect optical output signals output from the plurality of output terminals of the optical component under test, and measurement equipment connected to the plurality of photodetectors, and the plurality of output terminals of the optical component under test are connected to corresponding photodetectors by way of corresponding second optical fibers.

As understood by the applicant, the Office action apparently is alleging that the optical switch 20 of the Anderson et al. patent corresponds to the “optical component under test” in the pending claims. As explained below, that is incorrect.

Details of the optical switch 20 are shown, for example, in FIG. 3, which includes input fibers 67 and output fibers 66. The switch 20 may be configured with a single input port and multiple output ports (col. 13, lines 48-51).

The Anderson et al. patent discloses techniques for aligning fibers in the input and output arrays. The basic alignment operation involves positioning (*i.e.*, rotating) the input fiber along a closed curve to match an intersecting point of the output fiber. As part of that technique, ferrules 144, 146, which hold the input and output fibers, are rotated to maximize the optical signal (col. 15, lines 48-57).

FIG. 9 illustrates an arrangement for determining the intersection points of the input and output fibers (col. 14, lines 22-25). The output fibers from the optical switch 20 are coupled to an array of photodiodes 172. An electronic switch 170 can be coupled to a selected one of the photodiodes so that the selected photodiode is coupled to the power meter 166. The power meter is coupled to the computer 160, which includes a display.

According to the Anderson et al. patent, the optical switch 20 is not “under test.” Instead, after the ports of the switch 20 are aligned, the optical switch may be used in remote fiber test systems, for example, to test optical fiber links 404, 406, 408 to central office switches (see FIG. 22 and col. 25, line 60 – col. 27, line 9). Therefore, according to the Anderson et al. patent, optical fibers in the links 404, 406, 408 are under test. In contrast to the pending claims, however, the optical switch 20 is not “under test.”

Furthermore, if the optical fibers in the links 404, 406, 408 are deemed to correspond to the “optical component under test” in the pending claims, then the other features of the claims are not disclosed in the Anderson et al. patent.

Similar remarks apply to claim 1.

At least for that reason, claims 1 and 5 are patentable over the Anderson et al. patent.

In view of the foregoing remarks, applicant respectfully requests withdrawal of the rejections of claims 1 and 5.

The absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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Respectfully submitted,

Date: 4/6/05


Samuel Borodach
Samuel Borodach
Reg. No. 38,388

Fish & Richardson P.C.
Citigroup Center
52nd Floor
153 East 53rd Street
New York, New York 10022-4611
Telephone: (212) 765-5070
Facsimile: (212) 258-2291

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